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4 DIONTAE JOHAN DUNCAN,
5 Plaintiff,
6 v.
7 CHCF WARDEN, et al.,
8 Defendants.

9 Case No. 23-cv-05682-KAW

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11 **ORDER OF TRANSFER**

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13 Plaintiff Diontae Duncan, a state prisoner incarcerated at the California Health Care
14 Facility (CHCF) in Stockton, CA, has filed a civil rights action under 42 U.S.C. § 1983 asserting
15 that CHCF officers violated his constitutional rights.

16 When jurisdiction is not founded solely on diversity, venue is proper in the district in
17 which (1) any defendant resides, if all of the defendants reside in the same State, (2) the district in
18 which a substantial part of the events or omissions giving rise to the claim occurred, or a
19 substantial part of property that is the subject of the action is situated, or (3) a judicial district in
20 which any defendant may be found, if there is no district in which the action may otherwise be
21 brought. *See* 28 U.S.C. § 1331(b).

22 The acts complained of in this complaint occurred at CHCF, which is located in the
23 Eastern District of California. Venue, therefore, properly lies in the Eastern District and not in this
24 one. *See* 28 U.S.C. § 1331(b).

25 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is
26 TRANSFERRED to the United States District Court for the Eastern District of California.¹

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28 ¹ Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of
the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).

INSTRUCTIONS TO CLERK

The Clerk of the Court shall terminate all motions and transfer the case to the Eastern District of California forthwith.

IT IS SO ORDERED.

Dated: March 12, 2024

KANDIS A. WESTMORE
United States Magistrate Judge

United States District Court
Northern District of California